

**Remarks**

Claims 1-20 are pending, and claims 1-20 stand rejected. The Applicants have amended claims 1, 5-6, 8-11, 15-16, and 18-20, and have cancelled claims 2-4, 7, 12-14, and 17 in this Response. The Applicants respectfully traverse the rejection of the Examiner as follows.

**§ 103 Rejection**

The Examiner rejected claims 1-20 under 35 USC § 103(a) as being obvious in view of U.S. Patent 7,203,655 (Herbert) and U.S. Patent Application Publication 20030083846 (Curtin). The Applicants submit that the claims of the pending application as amended are non-obvious over the cited references.

The Applicants have amended claim 1 to add the limitations of former claims 3-4. Similar amendments were made to claim 11. These amendments clarify that the peer communication devices are processing the performance file to detect internal faults, and initiate recovery actions. These recover actions are thus performed locally on the peer communication devices, instead of in a centralized control system. The Applicants submit that the cited art does not teach this type of actions in peer communication devices as recited in claim 1.

First of all, the cited art (Herbert) does not teach a telecommunication system where the peer communication devices operate as in claim 1. In Herbert, a central processing computer (120) collects performance data for a plurality of agents (32). The agents are human beings that are answering calls, such as in a call center. The central processing computer includes a system (PSS 128) that generates statistics based on the performance data of the agents, part of which may include comparisons of the agents. The agents may then access the performance statistics to see how they compare to other agents. As in the prior Office action, the Examiner is citing art where the performance of a human being is being collected, and then some performance statistics are provided to this human being so he/she can compare to other peers. What the Examiner is missing is that claim 1 clearly states that each peer communication device processes a performance file to compare its performance to the performance of the other peer communication devices to detect a fault. Responsive to detection of the fault, one or more of the peer communication devices processes the performance file to identify at least one recovery action, and performs the at least one recovery action to attempt to cure the fault. Thus, the operation is

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performed in the peer communication devices, not by some human being or the central processing computer.

In Herbert, the agent or the central processing computer is making a comparison to other agents, not a peer communication device. The agent is using a workstation (130) to access the performance statistics generated by the central processing computer (120), but the workstation is not processing the performance statistics to compare its performance to the performance of the other peer communication devices to detect a fault. The workstation is also not processing a performance file to identify a recovery action, and is not performing the recovery action to attempt to cure the fault. The workstation in Herbert is not performing any of these functions. Once again, the only activity provided by the workstation is to provide a user interface so that the agent may view the performance statistics of all of the agents.

Thus, the Applicants submit that Herbert does not teach or reasonably suggest the following limitations of claim 1:

“each of the peer communication devices, responsive to receipt of the performance file, processes the performance file to compare its performance to the performance of the other peer communication devices to detect a fault; and

responsive to detection of the fault, at least one of the peer communication devices processes the performance file to identify at least one recovery action, and performs the at least one recovery action to attempt to cure the fault”.

In rejecting these limitations, the Examiner cites to column 4, lines 41-42, column 7, lines 63-64, column 6, lines 25-35, and column 1, lines 23-32 in Herbert. Column 4, lines 41-42 in Herbert merely states that the agents can configure the display of the performance statistics. However, this section in no way indicates that a peer communication device processes a performance file to detect a fault or initiate recovery actions as recited in claim 1.

Column 7, lines 63-64 in Herbert merely states that an agent can generate a report through a workstation based on the performance statistics. The workstation generates a report, but the workstation itself is not processing the performance file to operate as described in claim 1. There is no description that the workstation is detecting a fault, performing recovery actions, etc.

Column 6, lines 25-35 in Herbert describes that the display of the performance statistics will be in different colors based on the performance of different agents. Once again, this section

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indicates that the central processing computer is performing some type of comparison, not a peer communication device. This section in no way indicates that a peer communication device processes a performance file to detect a fault or initiate recovery actions as recited in claim 1.

Column 1, lines 23-32 in Herbert merely describes that in a work environment, an agent may want to compare his/her performance to peer agents. However, this section in no way indicates that a peer communication device processes a performance file to operate as recited in claim 1.

The Applicants further submit that Curtin does not teach these limitations of claim 1 that were discussed above. Because neither reference teaches or reasonably suggests peer communication devices that operate as recited in claim 1, the Applicants submit that claim 1 is non-obvious in view of the cited references. The Applicants further submit that claim 11 and the dependent claims are non-obvious for similar reasons.

**Conclusion**

Based on the remarks provided above, the Applicants submit that claims 1, 5-6, 8-11, 15-16, and 18-20 are allowable over the cited art. Thus, the Applicants ask the Examiner to reconsider the rejections and allow claims 1, 5-6, 8-11, 15-16, and 18-20.

Respectfully submitted,

Date: 10-22-2008

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